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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,530	11/12/2003	Jayshree Seth	58313US003	6886

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EXAMINER	
EASHOO, MARK	

ART UNIT	PAPER NUMBER
1732	

DATE MAILED: 06/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/706,530	SETH ET AL.	
	Examiner	Art Unit	
	Mark Eashoo, Ph.D.	1732	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *the papers filed 18-JAN-2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *20,22-26 and 53-60* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *20,22-26 and 53-60* is/are rejected.

7)☒ Claim(s) *25-26* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

Claims 25 and 26 are objected to because of the following informalities: The claims do not end with a period. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 20, 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Baird, Jr. (US Pat. 4,832,834) in view of Welygan et al. (US Pat. 5,011,642) and Beretta et al. (US Pat. 5,891,549).

Regarding claims 20 and 24: Baird, Jr. teaches the basic claimed process of forming polymeric net-like structure (Fig. 4), comprising: cutting multiple coextensive cut lines at an angle through a film portion or base layer having a first set of strands/ribs thereby forming a second set of parallel strands to the first set of strands (Figs. 2 and 3).

Baird, Jr. does not teach extruding a film having an integral base layer and a plurality of strand/rib structures. However, Welygan et al. teaches extruding a film having an integral base layer and a plurality of strand/rib structures (Figs. 3 and 7). Baird, Jr. and Welygan et al. are combinable because they are concerned with a similar technological difficulty, namely, the formation of films having rib structures thereon. At the time of invention a person of ordinary skill in the art would have found it obvious to have extruded a film having an integral base layer and a plurality of strand/rib structures, as taught by Welygan et al., in the process of Baird, Jr., and would have been motivated to do so in order to omit the first cutting step of Baird, Jr. and thereby reduce the amount of waste material.

Baird, Jr. does not teach orienting a film, having two sets of parallel strand structures, in first and second directions. However, Beretta et al. teaches orienting a film, having two sets of parallel strand structures, in first and second directions (Fig. 7). Baird, Jr. and Beretta et al. are combinable because they are concerned with a similar technological difficulty, namely, the formation of screen or net structures. At the time of invention a person of ordinary skill in the art would have found it obvious to have oriented a film, having two sets of parallel strand structures, in first and second directions, as taught by Beretta et al., in the process of Baird, Jr., and would have been motivated to do so in order since Beretta et al. suggests that orientation increases the strength of the screen/net filaments.

Regarding claims 22-23, 25: Welygan et al. further teaches extruded structures, including grip enhancing stems or hook structures, on first and second faces of a film (Figs. 12-13). Welygan et al. and Baird, Jr.

would have been combined for the same reasons as set forth above and to provide a material having grip enhancing textures on both sides of a film.

Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Baird, Jr. (US Pat. 4,832,834) in view of Welygan et al. (US Pat. 5,011,642) and Beretta et al. (US Pat. 5,891,549) as applied to claims 20, 22-25 above, and further in view of of de Navas Albareda (US Pat. 4,056,593).

Baird, Jr. teaches the basic claimed process of forming polymeric net-like structure as set forth above. Baird, Jr. does not teach heating hook elements following the formation thereof. Nonetheless, de Navas Albareda teaches heating hook elements following the formation thereof (Fig. 1, element 17). Baird, Jr. and de Navas Albareda are combinable because they are from the same field of endeavor, namely, forming film products having rib/strand structures thereon. At the time of invention a person of ordinary skill in the art would have found it obvious to have heated the hook elements, as taught by de Navas Albareda, in the process of Baird, Jr., since de Navas Albareda suggests that such heating facilitates stretching of the extrudate.

The examiner recognizes that all of the claimed effects and physical properties are not positively stated by the reference(s). However, the reference(s) teaches all of the claimed ingredients, process steps, and process conditions. Therefore, the claimed effects and physical properties, such as altering the shape of dimensions of the hook elements by heating, would inherently be achieved by carrying out the disclosed process. If it is applicants' position that this would not be the case: (1) evidence would need to be presented to support applicants' position; and (2) it would be the examiner's position that the application contains inadequate disclosure that there is no teaching as to how to obtain the claimed properties and effects by carrying out only these claimed process steps.

Claims 53-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Baird, Jr. (US Pat. 4,832,834) in view of Brumlik (US Pat. 4,011,366) and Beretta et al. (US Pat. 5,891,549).

Regarding claims 53 and 55-57: Baird, Jr. teaches the basic claimed process of forming polymeric net-like structure (Fig. 4), comprising: cutting multiple coextensive cut lines at an angle through a film portion or base layer having a first set of strands/ribs thereby forming a second set of parallel strands to the first set of strands (Figs. 2 and 3).

Baird, Jr. does not teach simultaneous extruding a film having an integral base layer and a plurality of strand/rib structures of first and second thermoplastics. However, Brumlik et al. teaches simultaneous extruding a film having an integral base layer and a plurality of strand/rib structures of first and second thermoplastics (Figs. 8 and 11). It is noted that all thermoplastics can be considered substantially inelastic at least to some degree. Baird, Jr. and Brumlik are combinable because they are concerned with a similar technological difficulty, namely, the formation of films having rib structures thereon. At the time of invention a person of ordinary skill in the art would have found it obvious to have extruded a film having an integral base layer and a plurality of strand/rib structures of

first and second thermoplastics, as taught by Brumlik in the process of Baird, Jr., and would have been motivated to do so in order to omit the first cutting step of Baird, Jr. and thereby reduce the amount of waste material and provide a net/screen structure having gripping elements thereon. It is noted that Beretta et al. provides evidence that such net/screen structure, formed of intersecting strand elements, having gripping elements thereon is a desired product.

Regarding claim 54: Baird, Jr. does not teach orienting a film, having two sets of parallel strand structures, in first and second directions. However, Beretta et al. teaches orienting a film, having two sets of parallel strand structures, in first and second directions (Fig. 7). Baird, Jr. and Beretta et al. are combinable because they are concerned with a similar technological difficulty, namely, the formation of screen or net structures. At the time of invention a person of ordinary skill in the art would have found it obvious to have oriented a film, having two sets of parallel strand structures, in first and second directions, as taught by Beretta et al., in the process of Baird, Jr., and would have been motivated to do so in order since Beretta et al. suggests that orientation increases the strength of the screen/net filaments.

Regarding claims 58-60: Brumlik further teaches extruded structures, including grip enhancing stems or hook structures, on first and second faces of a film (Fig. 4b). Brumlik and Baird, Jr. would have been combined for the same reasons as set forth above and to provide a material having grip enhancing textures on both sides of a film.

Response to Arguments

Applicant's arguments filed 18-JAN-2006 have been fully considered but they are not completely persuasive, because:

A.) In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Specifically, applicant's arguments that Baird does not teach extrusion of a film having a base with strand structure ignores that this feature is taught by Welygan as set forth in the above rejection.

B.) In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., cutting) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Therefore, it is submitted that the cutting as taught by Baird is readable upon the cutting as instantly claimed (ie. broadest reasonable interpretation).

C.) Applicant's argument with respect to the double patenting rejections in the prior Office action are persuasive.

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Eashoo, Ph.D. whose telephone number is (571) 272-1197. The examiner can normally be reached on 7am-3pm EST, Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Johnson can be reached on (571) 272-1176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mark Eashoo, Ph.D.
Primary Examiner
Art Unit 1732

June 27, 2006
me